

TOWN BOARD MEETING  
Horizons at Fishkill

MAY 06, 2006

Supervisor Pagones opened the Town Board meeting at 10:00 am, Senior Horizons, 14 Dogwood Lane, Beacon, New York and led the audience with the "Pledge of Allegiance".

Present: Supervisor Joan A. Pagones; Town Board members, Steve Ferguson, Ronald Leenig, Heather Malvarosa, Dennis Zack; Rebecca Valk, Esq. – Van DeWater; John Darcy - Housing Assistant Director; Resident – Wendy Swik, Thomas LaBarr,

**PUBLIC HEARING(s)**

**Local Law - creating a "Legislative Aide to the Town Board"**

Supervisor Pagones read (**copy attached to original minutes**) notice of public hearing introducing a local law creating a second position of "Legislative Aide to the Town Board" which shall be an unclassified service position pursuant to Chapter 35(c) of the New York Civil Service Law.  
Public hearing opened 10:03am

Supervisor Pagones asked the audience if anyone would like to speak on this item.

**Motion** made by Councilman Ferguson **to close the public hearing.**

**Seconded** by Councilwoman Malvarosa

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

Public hearing closed at 10:10am

Supervisor Pagones read (**copy attached to original minutes**) the resolution adopting the local law creating a second position “Legislative Aide for the Town Board” which shall be an unclassified service position pursuant to Chapter 35(c) of the New York Civil Service Law.

**Motion** made by Councilman Ferguson **to adopt the resolution for the local law creating a second position “Legislative Aide for the Town Board” which shall be an unclassified service position pursuant to Chapter 35 (c) of the New York Civil Service Law.** **Seconded** by Councilman Leenig

Roll call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

**PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS**

Thomas LaBarr informed the Board that from a meeting that he went to on the NYCDEP, he noticed other municipalities were in attendance (Beacon, Newburgh, Wappingers Falls) and the Town of Fishkill was not. Mr. LaBarr inquired as to why the Town of Fishkill was not in attendance, the response was they were not aware that the Town of Fishkill had waterfront on the Hudson River. Mr. LaBarr reported on what went on at the meeting. NYCDEP is looking for an alternative source of water, in theory they were going to drill numerous test wells from New Hamburg down to Chelsea, they wanted to know if there was aquifer down there (which there is) and then they wanted to recharge the aquifer. The towns that the NYCDEP are drilling at are aware of what they are doing and have weighed in on it. They did test wells and it did hit water, were able to pump water out, the river was not the recharge source, they found a totally new aquifer under the river that stretches from Kingston-Rhinecliff Bridge to the Storm King Mountain and probably further. He believes they drill 350,000 gallons of water a day, they found that the amount of water is tremendous; they will drill an actual well just for emergency use if it goes forward. All the other towns in the area would like to tap into this in case of a drought situation.

Supervisor Pagones stated that the Board is going to put John Andrews on this

**ANNOUNCEMENTS**

**Annual Drinking Water Quality Report for 2005**

Supervisor Pagones announced that the Town Clerk's office has the Annual Drinking Water Quality Report for 2005 Village of Fishkill (Public Water Supply ID# 1302765) for review.

**DISCUSSION(s)**

**Fairfax Road**

Supervisor Pagones read (**copy attached to original minutes**) a letter from Rebecca Valk in regards to Fairfax Road.

Rebecca Valk updated the Board stating that Mr. Turner had to remove a portion of his fence which is on Town property, the Town does own 25' to center line of Fairfax Road, road by dedication, there is a clear description of boundaries of that road, that petition was sent out at the end of March, that is the Town's position that the portion that is on town property needs to be removed, Mr. Candee (Mr. Turner's attorney) took issue stating that the Town is selectively enforcing the zoning laws against them, it is not an issue of enforcing the zoning law because the town owns that portion of property, Mr. Candee is stating they will not remove the fence, demanding the Town pay to have it removed, and Ms. Valk asked to speak with the Board in

executive session to discuss how the Board would like for her to proceed on this matter.

Mrs. Swik does not understand their argument that this is a selective enforcement issue because the fence is a monster and poses a safety issue coming out of our driveway.

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**MOTION(s) TO APPROVE/ADOPT**

AMI Services Inc. contract

Supervisor Pagones read (**copy attached to original minutes**) a resolution to enter into a Planned Maintenance Service Agreement for the Town of Fishkill for HVAC Specialists, AMI Services Inc.

**Motion** made by Councilman Zack **to approve the agreement and authorize the Supervisor to execute the agreement between AMI Services Inc and the Town of Fishkill for HVAC services in the amount of \$7,884.00 to commence on May 01, 2006 and run through December 31, 2006.** **Seconded** by Councilman Ferguson

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Resolution - Funding Assistance for Town Court Grant request

Supervisor Pagones read (**copy attached to original minutes**) a resolution supporting and approving a grant request to the New York State Unified Court System Justice Assistance Program not to exceed \$6,000.00.

**Motion** made by Councilman Leenig **to approve the resolution supporting the request for a grant not to exceed \$6,000.00 for the funding Assistance for the Fishkill Town Court.** **Seconded** by Councilman Zack

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0

Variance to Code 108-3 - Section 6a for excavating on Sundays

Supervisor Pagones read (**copy attached to original minutes**) a request from Charles and Karen Bozsik, 22 Sunnyside Road, Beacon Hills, for a variance to Code 108-3(A) to allow excavating of their property on Sundays.

**Motion** made by Councilman Zack to **approve the request with the monitoring of said excavating and revisit if it poses a problem.**

**Seconded** by Councilwoman Malvarosa

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

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#### Cole Brothers Circus and K104 Fest events

Supervisor Pagones read (**copy attached to original minutes**) a memo from Jeff Marino advising the Town that he received an application to have Cole Brothers Circus perform on June 01<sup>st</sup> and 2<sup>nd</sup> with a big top and ancillary facility along with the K104 Fest to be held on June 4<sup>th</sup>.

Supervisor Pagones stated she has no problem with circus but is concerned with the K104 fest in regards to who the acts are for this event.

**Motion** made by Councilwoman Malvarosa to **approve the Cole Brothers request to hold a circus on June 1<sup>st</sup> and 2<sup>nd</sup> 2006.** **Seconded** by

Councilman Zack

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

Supervisor Pagones asked Councilman Zack to talk to Mr. Burke or Ann Chambers-Maher and invite them to the May 18<sup>th</sup> meeting at Town Hall.

#### Bid award recommendation - Fishkill Town Hall Entrance Improvements

Supervisor Pagones read (**copy attached to original minutes**) a letter from Town Engineer, John Andrews, recommending the contract for the entrance improvements - Fishkill Town Hall to the lowest bidder, Ferrari & Sons, in the amount of \$77,900.00 and to include the authorizations necessary for the town engineer and the Town Attorney to complete the contract requirements with respect to the project.

**Motion** made by Councilwoman Malvarosa to **award the contract for the entrance improvements - Fishkill Town Hall to Ferrari & Sons, in the amount of \$77,900.00 and to include the authorizations necessary for the town engineer and town attorney to complete the contract requirements.** **Seconded** by Councilman Zack

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

Request to use one voting machine Village election 06-20-2006

Supervisor Pagones read (**copy attached to original minutes**) a letter from the Village of Fishkill requesting the use of one voting machine for their upcoming Village elections on June 20, 2006.

**Motion** made by Councilwoman Malvarosa **to approve the use of one voting machine by the Village of Fishkill for their upcoming Village elections on June 20, 2006.** **Seconded** by Councilman Zack Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0

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Add Tri-State electrical company and Al Shauger as one of their inspectors

**Motion** made by Councilman Zack **to add Tri-State electrical company and Al Shauger as one of their inspectors for electrical inspections.**

**Seconded** by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

Liquor license renewal - Ruby Tuesday

**Motion** made by Councilman Ferguson **to approve/accept the liquor license renewal notice for Ruby Tuesday, submitted by Cynthia H. Solomon.**

**Seconded** by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

**MOTION(s) TO ACCEPT RESIGNATION**

In-School Recreation Personnel - third session effective 04-13-2006

**Motion** made by Councilwoman Malvarosa **to terminate the In-School Recreation Personnel - third session effective 04-13-2006.** **Seconded**

by Councilman Zack

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

**MOTION(s) TO APPOINT**

In-School Recreation Personnel - fourth session effective 04-18-2006

**Motion** made by Councilwoman Malvarosa **to appoint the In-School Recreation Personnel - fourth session effective 04-18-2006.**

**Seconded** by Councilman Zack

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0

Planning Board member - Sheila Lahey

**Motion** made by Councilman Zack **to reappoint Sheila Lahey as Planning Board member for another four year term.** **Seconded** by Councilwoman Malvarosa

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0

Planning Board alternate members - Tom Chang and Joel Sasser

**Motion** made by Councilman Zack **to reappoint Tom Chang and Joel Sasser for another one year term to expire 10/2006.** **Seconded** by Councilwoman Malvarosa

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0

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College Intern - Town Clerk's office - Antonella DelliCarpini

**Motion** made by Councilwoman Malvarosa **to appoint Antonella DelliCarpini as a college intern for the placement in the Town Clerk's office effective June 05, 2006.** **Seconded** by Councilman Zack

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0

**BUDGET TRANSFERS**

**Motion** made by Councilwoman Malvarosa **to approve the budget transfers as submitted as follows:**

Comptroller	\$ 123,900	to increase budget fro pump replacement with increased hook up fees already received
Recreation	\$ 14,897	to cover costs of the 4 <sup>th</sup> session of the 2005/2006 In-School Recreation Program
Comptroller	\$ 222,500	to record 2006 inter funds transfers based on final 2005 fund balances
Comptroller	\$ 130,000	to record inter fund expense with offsetting revenues already received

**(copies attached to original minutes)**

**Seconded** by Councilman Zack

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0

## **NEW and OLD BUSINESS**

### **Supervisor Pagones**

Announced that the Town is now the proud owners of the Girl Scout Camp property, it needs a little clearing due to the fact that ticks live there, when the property is totally cleared and cleaned the Town would like to have a ceremony there.

Supervisor Pagones then gave a history of the parks and their designated names.

### **Councilwoman Malvarosa**

She attended a Dial-A-Ride meeting where they discussed changes, the increased hours for calling (8:00 - 4:15), and the voice mail for after hours cancellation (before 7:00am and after 4:15pm). She stated that the senior bus is no longer in place, the Software is up and running and the bugs are almost worked out, the new Dial-A-Ride application with a one page survey is on line.

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On the Animal control aspect, May 21<sup>st</sup> will be the Town's 3rd Annual Dog Show Off with a low cost rabies clinic / licensing clinic to be held on the grounds of Town Hall in Fishkill (rain or shine) and every participant will receive something. May is animal awareness month

She stated that she is working with Recreation and Mr. Leenig on the senior picnic to be held in August.

She is working with Mr. Ferguson and Mr. Leenig on the War Dog Monument which seems to be a great concept.

### **Councilman Zack**

He stated he is working on more procedures to recommend to the Town Board in regards to the police department.

### **Councilman Ferguson**

He stated that the names that are on the memorial stone and the names that will be on the new memorial stone are names of those who served while a being resident of the Town of Fishkill.

### **Councilman Leenig**

He stated that the Memorial Day ceremony will be a joint venture, it will start at 9:30am with a service at Town Hall, then at 11:00am with the wreath in the Village and then to the Fishkill Cemetery to place a wreath there.

There will be a full color rendering of the new veterans memorial park which will be complete and available for the memorial service.

There will be a news release out to show the military that we do care and instilling patriotism with the young.  
There will be a salute to the seniors in which the Town will be doing the senior picnic this year. The department heads and elected officials of the Town Hall will be working the senior picnic.

Rebecca Valk  
Supervisor Pagones read (**copy attached to original minutes**) a resolution ratifying a proposed Hold Harmless and Indemnification Agreement with Rainbow Ridge Pet Cemetery.

**Motion** made by Councilman Ferguson **to approve, authorize and ratify the Supervisor's execution of a proposed Hold Harmless and Indemnification agreement for Rainbow Ridge Pet Cemetery and Crematory Inc.** **Seconded** by Councilman Leenig

Roll call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

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Supervisor read ratifying resolution with Hubbell realty services

**Motion** made by Councilman Zack **to approve, authorize and ratify the Supervisor's execution of a proposed contract with Hubbell Realty Services Inc. for appraisal services.** **Seconded** by Councilwoman Malvarosa

Roll call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

**EXECUTIVE SESSION**

**Motion** made by Councilman Zack **to go into executive session.**  
**Seconded** by Councilman Ferguson  
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0  
Executive Session at 11:00 am

Regular Order of Business

**Motion** made by Councilman Zack **to go back into the regular order of business.** **Seconded** by Councilman Ferguson  
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)  
Motion Carried unanimously 5-0



Regular order of business at 11:32am

**Motion** made by Councilman Zack **that should the Turners not accept the Board's compromise of the fence dispute, the Town Board also authorizes the Town Attorney to take legal action to enforce the Town's ownership.** **Seconded** by Councilman Ferguson

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

### **ADJOURNMENT**

**Motion** made by Councilman Zack **to adjourn the meeting.** **Seconded** by Councilman Ferguson

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried unanimously 5-0

Meeting adjourned at 11:33am

Respectfully submitted,

Darlene Bellis

Town Clerk